

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
WESTERN DIVISION**

STATE OF NORTH DAKOTA,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 1:19-cv-00150-DMT-ARS
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

**STATE OF NORTH DAKOTA’S NOTICE OF FILING OF
DEPOSITION DESIGNATIONS, COUNTER-DESIGNATIONS, AND OBJECTIONS**

In accordance with the Court’s December 6, 2023 order (ECF No. 378), the State of North Dakota respectfully submits herewith the following designations of deposition testimony which may be used at trial in this matter. Designations for the following witnesses are attached hereto as exhibits hereto:

EX. NO.	DATE	WITNESS
1	5-26-2022	Lowry Crook
2	6-21-2022	Jo-Ellen Darcy
3	12-15-2022	Patrick Wynters Hornbuckle (pursuant to Fed. R. Civ. P. 30(b)(6))
4	6-22-2022	Sally Jewell
5	12-1-2022	Moir Kelley Gipe (pursuant to Fed. R. Civ. P. 30(b)(6))
6	10-4-2022	Jon Ketterling (pursuant to Fed. R. Civ. P. 30(b)(6))
7	7-26-2022	Lt. Gen. Todd T. Semonite
8	11-19-2021	Lt. Col. James Startzell

EX. NO.	DATE	WITNESS
9	5-16-2022	Lt. Col. James Startzell
10	8-16-2022	Jacob O'Connell
11	12-6-2022	Jason O'Neal (pursuant to Fed. R. Civ. P. 30(b)(6))
12	11-30-2022	Daniel R. Orr (pursuant to Fed. R. Civ. P. 30(b)(6))
13	12-13-2022	Robert C. Perry, Jr. (pursuant to Fed. R. Civ. P. 30(b)(6))
14	11-29-2022	Douglas Walker (pursuant to Fed. R. Civ. P. 30(b)(6))
15	4-20-2022	Paul Ward

These designations include, where applicable, the affirmative designations of deposition testimony of both the State of North Dakota and the United States (and any corresponding objections thereto), as well as any counter-designations of either party (and any corresponding objections thereto).¹ These designations have been highlighted and are represented by the following colors:

¹ The State of North Dakota is submitting concurrently herewith a Motion for Leave to File Exhibits Under Seal for Exhibits 10 and 13.

COLOR	REPRESENTS
PINK	North Dakota's Affirmative Designations
YELLOW	United States' Affirmative Designations
ORANGE	Affirmatively Designated by both North Dakota and the United States
GREEN	United States' Counter-Designations

Further, where North Dakota has objection to the United States' designations and/or counter-designations, it has utilized plain-language terms reflecting objections arising under the following Rules of the Federal Rules of Evidence:

OBJECTION	FEDERAL RULE(S) OF EVIDENCE
Hearsay	801/802
Speculation	602
Foundation	602
Relevance	401/402

North Dakota hereby reserves any and all rights to assert further and additional objections to any deposition testimony offered by the United States at trial.

Dated: February 2, 2024

DREW H. WRIGLEY
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 2nd day of February 2024, a true and correct copy of the foregoing was filed with the Clerk of the Court using the CM/ECF system, which will send notification of this filing to the attorneys of record.

/s/ Paul Seby